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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,103	10/02/2003	William Pan	MR1957-786	8390
4586 7590 04/16/2008 ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043				
EXAMINER				
MEHTA, PARIKHA SOLANKI				
ART UNIT		PAPER NUMBER		
3737				
MAIL DATE		DELIVERY MODE		
04/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/676,103

**Applicant(s)**

PAN, WILLIAM

**Examiner**

PARIKHA S. MEHTA

**Art Unit**

3737

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-16 and 18-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-16, 18-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1 February 2008 has been entered.

### *Response to Arguments*

2. Applicant's arguments with respect to claims 8-16 and 18-24 have been considered but are moot in view of the new ground(s) of rejection, necessitated by Applicant's amendment of 1 February 2008. The Cantoni (US Patent No. 6,115,486) reference will not be discussed further herein.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 8-16 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Schuman et al (US Patent No. 6,440,072 B1), hereinafter Schuman ('072).

**Regarding claims 8, 9 and 12,** Schuman ('072) discloses a method for managing DICOM image data including the steps of establishing a PDA ("digital conversion device") (col. 4 lines 24-29) and connecting said conversion device to an ultrasound ("non-radiological") medical imaging apparatus (col. 4 lines 29-33), converting the ultrasound image signals from a non-DICOM format into DICOM-compatible digital format (col. 6 line 62-col. 7 line15), establishing a remote device ("review station" as disclosed by the reference) and connecting the remote device to the PDA (claim 19), wherein the remote device is capable of retrieving DICOM data from the PDA(i.e., "sending a DICOM control command to"

the PDA), and controlling the PDA to perform storage and transmission of the digital image data from the ultrasound imaging apparatus (col. 4 lines 42-63).

**Regarding claim 10**, Schuman ('072) discloses that the PDA has means for receiving image data ("an image capturing unit") and that it is configured to store and display image data ("having a storage unit therein") (col. 4 lines 42-63, col. 8 lines 26-29).

**Regarding claims 11 and 15**, Schuman ('072) discloses a server, as well as means and steps for connecting the server to the PDA, and for connecting the server to the remote device via the PDA (col. 8 lines 17-22; servers are known to be integral components of state of the art medical networks and hospital information systems).

**Regarding claim 13**, Schuman ('072) discloses that the remote device executes a communication program to perform control communication with the PDA after sending a DICOM command to the PDA (col. 4 lines 42-63).

**Regarding claim 14**, Schuman ('072) sends and stores digital image data in the remote device (claim 19).

**Regarding claim 16**, Schuman ('072) discloses the medical imaging apparatus to be an ultrasound unit as was previously discussed for claim 8.

**Regarding claim 19**, although Schuman ('072) does not expressly disclose that the network server includes a program storage unit storing a communication program, a processing unit connected to the program storage unit, and a network interface unit connected to the processing unit, the network interface unit being capable of connecting the PDA and the remote device via a network, they are considered inherently present in the network server, as such a network would not otherwise be operable as disclosed without these elements.

**Regarding claims 20**, Schuman ('072) also discloses that the remote device includes a memory unit, a processing unit, a network interface unit capable of connecting to the network, and a display unit (col. 5 lines 35-62, col. 8 lines 18-22).

**Regarding claims 21-24**, Schuman ('072) discloses that the PDA includes an image capturing unit, a storage unit, a network interface unit, a display unit, a medium duplicating unit, and an operation interface unit (col. 3 line 49 – col. 4 line 5).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schuman ('072). Schuman ('072) substantially teaches all features of the present invention as discussed for claim 15 and additionally teaches that the ultrasound apparatus includes image capturing and storage units (Fig. 1). However, Schuman ('072) does not expressly disclose that the ultrasound apparatus has a network interface unit connected to the image capturing unit, wherein the network interface is capable of connecting to the server via a network to send digital image data to the server. However, Schuman ('072) does teach that image data may be retrieved from a standard hospital information system and/or network (col. 8 lines 18-22); it is implicitly taught that such image data would necessarily have to originate at some known medical imaging apparatus, such as the reference ultrasound image, as it is not possible to obtain medical images of a patient otherwise. As such, it would have been obvious to one of ordinary skill to include a state of the art network interface in the ultrasound apparatus, in order to send image data to the network so it may later be retrieved from that network as described by Schuman ('072).

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takeo (US Patent No. 6,289,115 B1) discloses a relevant medical imaging apparatus and image network system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PARIKHA S. MEHTA whose telephone number is (571)272-3248. The examiner can normally be reached on M-F, 8 - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 571.272.4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian L Casler/

Supervisory Patent Examiner, Art Unit

3737

/Parikha S Mehta/

Examiner, Art Unit 3737